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## **Democratic Republic of Congo: UN investigation into massacres must not be based on concessions with government**

Attempts within the United Nations (UN) to placate the Government of the Democratic Republic of Congo (DRC) could compromise the quality and independence of investigations into the gross human rights violations which have occurred in the country, Amnesty International said today.

“The UN should not allow the DRC government to dictate the composition, terms of reference and mandate of any mission to investigate serious human rights violations in the country,” the human rights organization said. “Any investigation into massacres which are alleged to have been committed must be impartial and independent.”

Thousands, possibly tens of thousands of Rwandese Hutu refugees and other unarmed civilians, including Congolese (ex-Zairian) citizens and Burundian Hutu refugees are reported to have been deliberately and arbitrarily killed by armed combatants since September 1996. Killings were still being reported in June 1997.

Amnesty International has learned that the UN Secretary-General intends to replace the Joint Investigation Mission -- which was set up by the Commission on Human Rights in April 1997 *“to investigate allegations of massacres and other issues affecting human rights which arise from the situation prevailing in eastern Zaire (now DRC) since September 1996”* -- with his own mission. Sources at the UN have indicated that some UN member states are putting pressure on the UN to be “flexible” about the investigation.

“We hope that the attempts by the UN Secretary-General to ensure that an investigation in eastern DRC proceeds does not undermine the authority or effectiveness of the Commission or its Special Rapporteurs,” Amnesty International said.

“We are extremely concerned that while member states of the UN are publicly expressing concern about massacres of thousands of Rwandese refugees and other unarmed civilians, they are asking the UN behind the scenes to compromise its own human rights principles by acceding to the demands of the DRC.”

Discussions in late June 1997 between a UN Advance Team and the DRC government on the practical modalities necessary for the investigation to fulfill its mandate failed to resolve major issues preventing the investigation from going ahead. The Advance Team visited the DRC after the government indicated in early June 1997 that it would allow the Joint Mission to carry out the investigation. While the DRC has publicly expressed a willingness to cooperate with any UN investigation, it has repeatedly placed obstacles in the way of the investigations being conducted.

“We question whether the government of the DRC is genuinely committed to such investigations and would urge UN member states to support the organization and exert pressure on the DRC to ensure that effective and impartial investigations are undertaken,” Amnesty International said.

Sources close to the UN and the DRC Government have revealed that major obstacles still remain in the way of carrying out a full, competent, independent and impartial investigation. These are in addition to the publicly stated objection by the DRC Government to the participation of Roberto Garreton, Special Rapporteur on the situation of human rights in the DRC, and a demand by the government that the investigation covers the period from March 1993.

The DRC government is reported to have rejected the inclusion of UN security officers in the UN investigation team and has insisted on the right to reject members of the mission appointed by the UN.

“The investigation team has to be able to work in a reasonably secure environment to enable it to conform with the highest standards of independence, impartiality and objectivity expected of the UN -- and which could be used to bring perpetrators to justice,” Amnesty International said. “Any compromise on the independence and security of the investigation would seriously affect the quality of its findings.”

Other obstacles placed by the DRC government in the way of an effective investigation include its insistence that it will not accept responsibility for human rights abuses committed before it came to power on 17 May 1997. Amnesty International is concerned about the implication that the new government would like to evade responsibility for bringing to justice members of the *Alliance des forces démocratiques pour la libération du Congo-Zaïre*, AFDL, who committed abuses before 17 May.

DRC government officials are also reported to have told the UN Advance Team that the new government is not party to international treaties ratified or acceded to by its predecessor. International law clearly places responsibility on the successor government of President Laurent-Désiré Kabila to abide by treaties ratified by the previous government unless it decides to renounce such ratification.

Amnesty International is calling for investigations into the alleged massacres in the DRC to proceed urgently to prevent evidence from being obliterated -- following reports that bodies of victims are being burned or thrown into rivers in various parts of the country. Furthermore, the report of the investigation must be made public soon after the investigation has been completed.

The organization is also urging the UN to ensure adequate resources for all the recommendations of the investigation team to be fully implemented, especially those relating to the bringing to justice of those suspected of committing human rights violations.

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